

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

ARISTA RECORDS LLC, a Delaware limited liability company; ELEKTRA ENTERTAINMENT GROUP INC., a Delaware corporation; UMG RECORDINGS, INC., a Delaware corporation; and SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership,	:	Civil Action No.: 05-279
Plaintiffs,	:	
vs.	:	
DAVID SIMMONS,	:	DEFAULT JUDGMENT AND PERMANENT INJUNCTION
Defendant.	:	
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Based upon Plaintiffs' Application For Default Judgment By The Court, and good cause appearing therefore, it is hereby Ordered and Adjudged that:

1. Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the five sound recordings listed in Exhibit A to the Complaint. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Three Thousand Seven Hundred Fifty Dollars (\$3,750.00).

2. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Two Hundred Ninety-Five Dollars (\$295.00).

3. Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Wanna Be Starting Somethin'," on album "Thriller," by artist "Michael Jackson" (SR# 41-965);
- "The Lady In My Life," on album "Thriller," by artist "Michael Jackson" (SR# 41-965);
- "Rosa Parks," on album "Aquemini," by artist "Outkast" (SR# 264-092);
- "Put Your Hands Where My Eyes Could See," on album "When Disaster Strikes," by artist "Busta Rhymes" (SR# 258-724);
- "Growing Pains," on album "Word of Mouf," by artist "Ludacris" (SR# 304-605);

and in any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

/s/ Gary A. Fenner
GARY A. FENNER, JUDGE
United States District Court

DATED: July 12, 2005